Assessment Year 1990-91

IN THE HIGH COURT OF UTTARANHAL AT NAINITAL

I.T.A. No. 256 of 2001

OLD NO. 104 OF 1999

The commissioner of Income Tax,
Meerut & another ... Appellants

Versus

O.N.G.C, as representative of
Mr. Akhmetchine Ravil
Tel Bhawan, Dehradun ... Respondent

Hon'ble M.M. Ghildiyal, J.
Hon'ble Rajesh Tandon, J.

Mr. S.K. Posti, learned Advocate for Income Tax Department.
Mr. J.P. Joshi, Advocate for the respondent.

The matter is squarely covered by our decision dated 30th September, 2003 in Income Tax appeal No. 470 of 2001. The Commissioner of Income Tax, Meerut & another Vs O.N.G.C., Dehradun.

The question raised before us is as follows:

"Whether on the facts and circumstances of the case learned Income Tax Appellate Tribunal was justified in directing to apply single stage grossing up of the Tax perquisites paid by ONGC on behalf of assessee instead of multi stage grossing up, applied by the Assessing Officer under section 195-A of the Income Tax Act, 1961?".

For the reasons recorded in the above judgment in Income Tax Appeal No. 470 of 2001 dated 30th September, 2003, we answer this question in the affirmative i.e. in favour of the assessee and against the Department.

Appeal is disposed of accordingly. No order as to costs.

(Rajesh Tandon, J.) **(M.M. Ghildiyal, J.)**

26.06.2004
NCM